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8/Brief

Application Number: 09/396,530

Group Art Unit: 3711

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Examiner Name: William Pierce

Inventors: Randall Addington et al.

Attorney Docket No.: 99-1002



Title: Method For Improving Bowler's Control

Assistant Commissioner of Patents

Washington, D.C. 20231

A Petition to make Special Under 37 CFR 102(c) has been granted in this Application  
and has been granted in parent application 09/130,905, filed 08/07/98.

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01 FC:210  
02 FC:220

Appellants Appeal Brief

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I. The Real Parties In Interest are the Applicants

II. There are no related appeals or interferences.

III. Claims 14 -30 and 3(amended) and 4(amended), are pending in this case.

IV. Claims 14-30 have been finally rejected. No action is shown in the Final Rejection.  
(Paper No. 6) for amended Claims 3 and 4.

Claims 1-13 are cancelled.

V. There is no amendment filed after final rejection.

VI.

SUMMARY OF THE INVENTION

This invention is a method of using a finger pad protector in lifting a bowling ball at its release to impart rotation and spin to the bowling ball. The release of the bowling ball from a bowler's middle finger by applying a force from the bowler's finger pad to the bowling ball finger hole to lift the bowling ball and impart rotation and spin, is well known as shown and explained in 1984 Patent 4,371,163, Shaffer ("Shaffer"). This conventional bowling method is shown in Shaffer, column 3 lines 33 to 65 and column 4, lines 1 to 18, and with particular attention to the disclosure in Shaffer, column 3, lines 45 to 52, and column 4, lines 10 to 17, describing the known method of using the finger pad in the bowling ball finger hole to "rotate the underside of the ball upward, an effect called 'lift', as the ball is in the process of release from the finger pad. The application of a force on the ball from the finger pad inserted into the bowling ball finger hole, as is well known, produces a counter force from the bowling ball against the bowler's finger pad

The invention supported by the specification including the drawings, is the method of, using a finger pad shield in contact with the bowler's finger pad to form a contact area with the finger pad shield which is inserted into the finger hole of a bowling ball

(See Page 6, lines 7-15, Page 8, lines 7 - 24, Page 9, lines 3-6, 13-16, Page 12, lines 10 -25, Page 13, lines 21-23, Page 14, lines 3 -6, Page 17, lines 13-20, and Fig. 1, numeral 14; Page 23, lines 17 - 22, Page 24 -25, Fig 1, and Fig. 3, numerals 14, 16, Fig. 9) and (See Page 4, lines 14 -23, Page 5, lines 1 -12, Page 6, lines 7 -15, Page 8, lines 7 -21, Page 14, lines 3 - 19, Page 18, lines 15 -25, Page 19, lines 9 - 14, Figs. 1 - 6, numerals 14, 16, 90, 92 Page 23, lines 4 - 8)

to apply the rotating "lift" force from the bowler's finger pad through the finger pad shield, upon the release of the ball

The Knowledge of One Skilled in the Art, Which Is Included in, and Made Part of, the Specification and Drawings of the Application

Prior to the filing date of this application, the one skilled in the art of bowling knew the conventional method of releasing a bowling ball with rotation down the alley and spin to achieve pin scattering, by inserting (a) middle finger(s) into the ball finger hole, and releasing the ball by placing the ball on the middle finger(s) and applying a first force against the ball through that inserted finger and the ball's finger hole, to lift the ball producing a counter second force, as well known by every one who has bowled including those skilled in the art of bowling and bowling devices and has been accepted as scientific fact from the publication date of Newton's commonly known second law that for every action there is an equal and opposite reaction,

(See U.S. Patent 4,371, 161, column 3, lines 33 - 65, column 4, lines 1 - 17, See Declaration of Randall A. Addington, filed 5/19/00, Page 2, Paragraph 4 incorporated into Remarks to Rule 111 Amendment, filed 5/19/00, Page 12, lines 5-7, and Remarks to the Rule 111 Amendment, filed 5/19/00, Page 16, top of page, and Examiners statement in Paper No., 6, Page 4, lines 7 -10, stating,

For example, the specification does not discuss a 'first force' and a 'second force.' Applicant tries to remedy this by stating (at the top of pg. 16 [of Amendment under Rule 111, filed 5/19/00] that how a bowler gripes a ball is 'generally well known. However, while it is true one knows how to grip a ball and deliver it, the steps of the claimed invention must be disclosed.

(Underlining added for emphasis)

(See Page 4, lines 14 - 23, Page 5, lines 1 -8, 18 -23, Page 6, lines 1 - 3, Page 9, lines 13 -16, Page 10, lines 7-14, Page 13, lines 14 -23, Page 22, lines 3 -5, Fig. 5, numerals 14, 90, Fig. 6, numerals, 90, 92, Page 23, Page 24, lines 1-3, Fig. 9),

and to distribute the counter force produced from the bowling ball, over the contact area made by the finger pad shield and the bowler's finger pad and to reduce the pressure over the contact and wherein the bowler applies his or her maximum natural force to the bowling ball

(Discussion of what one skilled in the art would know. See Page 4, lines 18 - 21, Page 5, Page 7 - 15, Page 8, lines 7 -15, Page 13, line 13 - 19, Page 16, lines 8 -17, Page 24, lines 4 -28, Page 25, lines 1 -23, Fig. 1, 2, 3, 5, 6, numerals 14, 16, 92, Fig. 9)

to control the depth of insertion of the finer pad shield into the bowling ball finger hole

(See the discussion of what one skilled in the art knew about the conventional method of releasing a bowling ball, above, and Page 4, lines 18 -23, Page 5, lines 1 -3, 9 - 12, Page 24, lines 17 -28, Page 25, lines 1 -10, Page 10, lines 4 -22, Page 16, lines 7 -10, Page 22, lines 6 - 5, Figs. 3, 5, 6), and

supporting the finger pad shield with a support of a rigidly deflectable material in a stable position and which deflects under the force of the bowling ball to produce a counter force to restore the finger pad shield to its stable position

See the discussion of what one skilled in the art knew about the conventional method of releasing a bowling ball, above, and Page 6, lines 11-14, 21 - 24, Page 13, lines 1-7, Figs. 1 -3 , numerals 12a, 12b.

See also originally filed claims 1 -13 for support of the invention defined in the Claims 3, 4 and 14 - 30), and concisely explained above.

The word "over," is used in its ordinary accepted meaning of "all through" or "throughout." Webster's New Collegiate Dictionary G. & C. Merriam Company, Springfield, Massachusetts, 1973, page 817, definition of "over" as a preposition.

VII.

ISSUES

1. Whether amended Claims 14 to 30, rejected under 35 U.S.C. 112, first paragraph, contain subject matter, described by Examiner, as "the steps as set forth in claims 14 - 30," which are not described in, or supported by, the specification. Paper No. 6, Paragraph 1, page 2.
2. Whether the drawings show every feature of the invention specified in the amended Claims 14 - 30, as may be required under 37 CFR 1.83(a). Paper No. 6, Paragraph 2, page 2.
3. Whether amended Claims 14 - 30 are anticipated by the Marinese Patent under 35 U.S.C. 102(b) ("Marinese"). Paper No. 6, Page 2, Paragraph 4.
4. Whether the Declarations under 37 CFR 1.132 filed 5/19/00, are legally adequate to overcome any of the above grounds of rejecting this application. Paper No. 6, Page 4, Paragraph 6.

VIII.

Arguments 1-4 Made To Examiner's Rejections Restated In Issues 1-4, respectively

THE ADMINISTRATIVE PROCEDURE ACT STANDARD OF SUBSTANTIAL EVIDENCE IS INCORPORATED INTO ALL ARGUMENTS MADE IN THIS APPEAL

In all of the Arguments 1 to 4 inclusively, Applicant incorporates the Administrative Procedure Act Standard for a Patent Office rejection that requires a fact based conclusion based on substantial evidence. Dickenson v. Zurko 50 USPQ 2d 1930, 193, and in which asks whether a reasonable mind might accept a particular evidentiary record as adequate to support a conclusion. Zurko, at 1935. See In Re. Kotzab 217 F. 3d 1365 (Fed. Cir 2000) requiring the rejection be "based on particular findings." at 1370. See In Re. Gartside 203 F.3d 1305 (Fed. Cir. 2000) requiring that a rejection be based on substantial evidence meaning "...such relevant evidence as a reasonable mind might accept as adequate to support a conclusion..." at 1312; and that a Patent Office decision, "must explicate its factual conclusions enabling... [the Court...] to verify readily whether those conclusions are indeed supported by 'substantial evidence'..." at 1314 Underlining added) (hereinafter "APA Standard").

ARGUMENT NO. 1

Argument No. 1 (Ref: Issue No.1) To Examiner's Rejection Of Claims 14-30 under 35 U.S.C. 112, as containing subject matter, described by Examiner, as "the steps as set forth in claims 14 -30," which are not described in, or supported by, the specification.

Paper No. 6, Paragraph 1, page 2.

Claims 14 - 30, rejected under 35 U.S.C. 1<sup>st</sup> Paragraph, are method claims.

I.

The standard of review governing a Patent Office decision, is the APA Standard which holds unlawful any arbitrary, capricious decision or a decision unsupported by substantial evidence. In reviewing a decision, review is of the whole record.

For any Patent Office decision to be lawfully made, it must not be arbitrary or capriciously made, but must be bound up with a record based factual conclusion to determine if it is supported by substantial evidence. Logic and experience is required to be applied to the evidentiary record. In all of the Arguments 1 to 4 inclusively, Applicant incorporates the Administrative Procedure Act Standard for a Patent Office rejection that requires a fact based conclusion based on substantial evidence. See Dickenson v. Zurko 50 USPQ 2d 1930, 193, and in which asks whether a reasonable mind might accept a particular evidentiary record as adequate to support a conclusion. Zurko, at 1935. See In Re. Kotzab 217 F. 3d 1365 (Fed. Cir 2000) requiring the rejection be "based on particular findings." at 1370. See In Re. Gartside 203 F.3d 1305 (Fed. Cir. 2000) requiring that a rejection be based on substantial evidence meaning "...such relevant evidence as a reasonable mind might accept as adequate to support a conclusion..." at 1312; and that a Patent Office decision, "must explicate its factual conclusions enabling... [the Court... ] to verify readily whether those conclusions are indeed supported by 'substantial evidence'...." at 1314 (Underlining added) (hereinafter "APA Standard").

II.

The standards for determining compliance with the written description requirement of the 1<sup>st</sup> Paragraph of 35 U.S.C. 112, are stated in the Manual of Patent Examining Procedure

1. The written description requirement is to clearly convey to the public, the inventive claimed subject matter, what is in common use or already known, and to prevent the applicant from adding new matter. Manual of Patent Examining Procedure, Rev 1, Feb 2000 (MPEP), Section 2163, page 2100-124.
2. The written description requirement is examined under the objective standard: does the written description clearly allow persons of ordinary skill in the art to recognize that the inventor invented what is claimed, and does the disclosure reasonably convey to the one skilled in the art that the inventor had possession of the inventive subject matter claimed in the application as filed. Manual of Patent Examining Procedure, Rev 1, Feb 2000 (MPEP), § 2163.02, page 2100-125.
3. The written description requirement does not require the same terms or words in the specification, as used in the claims. Manual of Patent Examining Procedure, Rev 1, Feb 2000 (MPEP), ¶ 2163, page 2100-124.
4. The Examiner has the burden of proof the written description requirement has not been met.

- A) The Examiner has the burden of presenting evidence or reasons why persons skilled in the art would not recognize in applicants' disclosure, a description of the invention defined by the claims.
- B) This inquiry into whether the description requirement is met must be determined on a case by case basis and is a question of fact.

Manual of Patent Examining Procedure, Rev 1, Feb 2000 (MPEP), Section 2163.04, page 2100-126.

III.

The subject matter defined by the rejected method Claims 3 and 4 and 14 to 30, as presented below in summary and as recited below and in the application, is supported and described in the application, enables any person skilled in the art to make and use the subject matter defined by each of the rejected claims and sets forth the best mode of making and carrying out the claimed invention, as required by 35 U.S.C. 112.

New Claims 14 to 30, including claims 3 and 4, are supported by the specification as follows.

Starting with page 4 and 5 of the specification, the invention is described as a method of controlling a bowling ball at the moment of release by distributing the force of the bowling ball over the bowler's finger pad to reduce the pressure at any area over the contact area made between a first surface of a finger pad shield and the bowler's finger pad. The claimed invention is directed to lifting the bowling ball at the moment of release and imparting the proper direction and spin to the bowling ball. At the same time, namely the moment of release, the claimed method as recited in new Claim 14, and 15, is directed to applying a first force from the finger pad to lift the ball, utilizing the bowler's maximum natural force the bowler is capable of producing. The inventive method, is described as using a finger pad shield and with an area of contact made by the finger pad shield placed in contact with the bowler's finger pad, which is inserted into the finger grip hole of a bowling ball. See pages 4-5 and page 8 of the specification. The finger pad shield is described as shielding the finger pad inserted into the finger grip hole, from the force from the bowling ball and distributing that force over the contact area made between the finger pad and the finger pad shield. See page 8 of the specification. The result achieved is the elimination of pressure spots on the bowler's finger pad by distributing that force over the widest area of contact made between the finger pad shield area of contact and the finger pad. See page 8 of the

specification. The finger pad shield is identified by numeral 14 and is shown and described as mounted in opposed relationship to the end 13 of the bowler's finger. See page 13, 14 of the specification. The finger pad shield 14 is described as shaped to receive the finger pad 16 of the bowler's finger. See page 14 of the specification. The finger pad shield 14 is described as placed opposite the finger pad 16 of the bowler's finger. See page 17 of the specification. The finger pad shield 12 and the accompanying description in connection with Figures 5 and 6 and on pages 23 to 26 of the specification, and as stated in Paragraph 2, above, describe the finger pad shield on the first and second middle finger or fingers, which when, inserted into the bowling ball finger hole, distributes the force of the bowling ball against the bowler's middle finger or fingers, produced when the bowling ball is released and reduces the pressure from that force against the bowler's finger pad. With or without the general widespread knowledge of bowling and how a bowling ball is gripped by the bowler's fingers inserted into the finger grip holes of the bowling ball and released by lifting the ball using the inserted fingers, the inventive concept as applied to the finger pad of a bowler's finger inserted into the finger grip hole of a bowling ball, is clear from a straightforward reading of the specification and claims. That the knowledge of how a bowler grips a bowling ball by inserting the bowler's middle fingers into the finger holes of a bowling ball, is generally well known as shown by 1984 Patent 4,371,163, That a bowler lifts the bowling ball at the moment of release to thrust it forward imparting a forward velocity, and spin by imparting a force to the bowling ball through a middle finger inserted into a bowling ball finger hole, is well known and shown for example in 1984 Patent 4,371,163.

In summary, it is clear from the specification and drawings, this invention is a method of improving control at the point of release of the bowling ball by applying a force from the bowler's finger, through a finger pad shield to the interior surface of the bowling ball finger hole, lifting the bowling ball when releasing the ball and using the finger pad shield to reduce the pressure caused by the reaction force of the bowling ball on the

finger inserted in the finger grip hole.

#### Claim 14

Claim 14, (Summary) describes in a method claim, the steps where a finger pad shield is placed on the finger pad, forming a contact area, the finger pad shield is placed in the finger hole of the bowling ball, and against the wall's inner surface, and the step of releasing the ball, by applying a force in a first direction through the finger pad shield against the ball, producing a force from the ball in a second direction against the finger pad shield, which is distributed over the contact area to reduce the pressure over the contact area.

The specification and drawings support, and provide a written description and enablement and the best mode, for the invention recited in Claim 14, as follows.

Claim 14. A method of using a finger pad shield placed in contact with the finger pad of a bowler's finger inserted into a finger hole of a bowling ball, to reduce the pressure on the finger pad when releasing said bowling ball from said bowler's finger and to improve a bowler's control over a direction or spin on a bowling ball, when lifting the bowling ball to impart spin and velocity, at release, comprising the steps of:

a. placing a finger pad shield having a first surface, and a second surface opposed to said first surface, on a finger pad of a bowler, with said first surface in contact with said finger pad of a bowler and forming a contact area made between said finger pad of a bowler and said first surface of said finger pad shield;

(See Page 6, lines 7-15, Page 8, lines 7 - 24, Page 9, lines 3-6, 13-16, Page 12, lines 10 -25, Page 13, lines 21-23, Page 14, lines 3 -6, Page 17, lines 13-20, and Fig. 1, numeral 14; Page 23, lines 17 - 22, Page 24 -25, Fig 1, and Fig. 3, numerals 14, 16,

Fig. 9)

- b. inserting said finger pad shield, in a finger hole of a bowling ball;
- c. said step b, of inserting said finger pad shield in said finger hole of a bowling ball, including the step of placing said second surface of said finger pad shield, in contact with an interior surface of said finger hole of a bowling ball;

(See Page 4, lines 14 -23, Page 5, lines 1 -12, Page 6, lines 7 -15, Page 8, lines 7 -21, Page 14, lines 3 - 19, Page 18, lines 15 -25, Page 19, lines 9 - 14, Figs. 1 -6, numerals 14, 16, 90, 92 Page 23, lines 4 - 8).

- d. releasing said finger pad of a bowler and said finger pad shield from said finger hole of a bowling ball by applying a first force from said finger pad of a bowler in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball, to lift said bowling ball and producing a second force in a second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield.

The Knowledge of One Skilled in the Art, Which Is Included in, and Made Part of, the Specification and Drawings of the Application

Prior to the filing date of this application, one skilled in the art of bowling knew the conventional method of releasing a bowling ball with rotation down the alley and spin to achieve pin scattering, by inserting (a) middle finger(s) into the ball finger hole, and releasing the ball by placing the ball on the middle finger(s) and applying a first force against the ball through that inserted finger and the ball's finger hole, to lift the ball producing a counter second force. Anyone who has bowled including those skilled in

the art of bowling and bowling devices knew and understood the counter second force. This counter force has been known and scientifically understood from the date of Newton's commonly known second law that for every action there is a reaction. This counter force produced when the bowler applies force to the ball through the middle finger hole to lift the ball in releasing the ball, is well known as stated above, is as shown in U.S. Patent 4,371, 161 Shaffer ("Shaffer"). This conventional bowling method is shown in Shaffer, column 3 lines 33 to 65 and column 4, lines 1 to 18, and with particular attention to the disclosure in Shaffer, column 3, lines 45 to 52, and column 4, lines 10 to 17, describing the known method of using the finger pad in the bowling ball finger hole to "rotate the underside of the ball upward, an effect called 'lift', as the ball is in the process of release from the finger pad. The application of a force on the ball from the finger pad inserted into the bowling ball finger hole, as is well known, produces a counter force from the bowling ball against the bowler's finger pad. See the Declaration of Randall A. Addington, filed 5/19/00, Page 2, Paragraph 4 incorporated into Remarks to Rule 111 Amendment, filed 5/19/00, Page 12, lines 5-7, and Remarks to the Rule 111 Amendment, filed 5/19/00, Page 16, top of page, and by Examiners statement made in Paper No., 6, Page 4, lines 7 -10, stating,

For example, the specification does not discuss a 'first force' and a 'second force.' Applicant tries to remedy this by stating (at the top of pg. 16 [of Amendment under Rule 111, filed 5/19/00] that how a bowler gripes a ball is 'generally well known. However, while it is true one knows how to grip a ball and deliver it, the steps of the claimed invention must be disclosed.

(Underlining added for emphasis.)

(See Page 4, lines 14 - 23, Page 5, lines 1 -8, 18 -23, Page 6, lines 1 - 3, Page 9, lines 13 -16, Page 10, lines 7-14, Page 13, lines 14 -23, Page 22, lines 3 -5, Fig. 5, numerals 14, 90, Fig. 6, numerals, 90, 92, Page 23, Page 24, lines 1-3, Fig. 9),

e. said step d, of releasing said finger pad of a bowler and said finger pad shield from said finger hole of a bowling ball, includes the step of receiving said second force in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, through said finger pad shield to said first surface of said finger pad shield and over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield; and

f. said step e, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, includes the step of distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield, for reducing a pressure over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield, produced by said second force, in a second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield.

(See Page 4, lines 18 - 21, Page 5, Page 7 - 15, Page 8, lines 7 -15, Page 13, line 13 - 19, Page 16, lines 8 -17, Page 24, lines 4 -28, Page 25, lines 1 -23, Fig. 1, 2, 3, 5, 6, numerals 14, 16, 92, Fig. 9)

End of Claim 14

Claim 15

Claim 15 (Summary). Claim 14 where the method step d, of applying the first force in the first direction from the finger pad through the finger pad shield to the interior surface of the bowling ball finger hole, includes applying a maximum natural force a bowler is capable of producing.

The specification and drawings support, and provide a written description and enablement and the best mode, for the invention recited in Claim 15, as follows.

Claim 15. The method of claim 14, wherein, said step d, of releasing said finger pad of a bowler and said finger pad shield from said finger hole of a bowling ball by applying a first force from said finger pad of a bowler in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball to, to lift said bowling ball, includes the step g, of applying a maximum natural force a bowler is capable of producing from said finger pad of a bowler, in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball, and producing said second force in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and wherein said finger pad shield is rigid for distributing said second force in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield.

See the discussion of what one skilled in the art knew about the conventional method of releasing a bowling ball, as stated for Claim 14, paragraph d, page 6 above and on Page 6, and Page 4, lines 18 -23, Page 5, lines 1 -12, Page 10, lines 4-23, Page 16, lines 7-10, Page 22, lines 6-15, Page 24, lines 17 -28, Page 25, lines 1 -10, Figures 3, 5, and 6.

Claim 15 End

Claim 3

Claim 3 (Summary). Claim 14 and where the finger pad shield is supported with a rigidly deflectable material and the second counter force from the ball against the finger pad shield is transferred to the support which produces counter force in the support for restoring the support to its stable position.

The specification and drawings support, and provide an enablement and the best mode, for the invention recited in Claim 3, as follows.

Claim 3. The method of claim 1 including the steps of: supporting said finger pad finger pad shield with a support made of a rigidly deflectable material which holds said finger pad shield in a stable position relative to said support ; and transferring the force of the bowling ball from said finger pad shield to said support to producing a counter force in said support for restoring said support to said stable position.

(See the discussion of what one skilled in the art knew about the conventional method of releasing a bowling ball, as stated for Claim 14, and Page 6, lines 11-14, 21 - 24, Page 13, lines 1-7, Figs. 1 -3 , numerals 12a, 12b.

Claim 3 End

Claim 4

The specification and drawings support, and provide a written description and enablement and the best mode, for the invention recited in Claim 4, as follows.

Claim 4. Claim 14 and including the step of controlling the depth of insertion of said finger pad shield in said finger hole of a bowling ball by engaging a raised surface connected to said finger pad shield and extending away from said finger pad shield, with the surface of said bowling ball to limit the depth of insertion of said finger pad shield into said finger hole of a bowling ball.

(See the discussion of what one skilled in the art knew about the conventional method of releasing a bowling ball, as stated for Claim 14, page 6 above, and Page 4, lines 18 -23, Page 5, lines 1 -3, 9 - 12, Page 24, lines 17 -28, Page 25, lines 1 -10, Page 10, lines 4 -22, Page 16, lines 7 -10, Page 22, lines 6 - 5, Figs. 3, 5, 6.

Claim 4 End

Claim 16

Claim 16 (Summary) Claim 14 and distributing the second counter force from the bowling ball against the finger pad shield, over the widest area of the contact area.

The specification and drawings support, and provide a written description and enablement and the best mode, for the invention recited in Claim 16, as follows.

Claim 16. The method of claim 14, wherein said step f, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure on said contact area, includes the step h, of distributing said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield over the widest area of said contact area for preventing pressure spots within said bowler's finger pad.

See the discussion of what one skilled in the art knew about the conventional method of releasing a bowling ball, as stated for Claim 14, page 6 above and Page 8, lines 7 - 15.

Claim 16 End

Claim 17

Claim 17 (Summary) Claim 14 and where the second counter force from the bowling ball is distributed for reducing the pressure of that second force substantially within the contact area made between the finger pad shield and the finger pad.

The specification and drawings support, and provide a written description and enablement and the best mode, for the invention recited in Claim 17, as follows.

Claim 17. The method of Claim 14, wherein said step f, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, produced by said second force, in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, includes the step i, of distributing said second force, in said second direction from said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure substantially within said contact area made between said bowler's finger pad and said first surface of said finger pad shield.

(See the discussion of what one skilled in the art knew about the conventional method of releasing a bowling ball, as stated for Claim 14, page 6 above, and Page 5, lines 13 -17, Page 8, lines 7 -15, Page 24, lines 13 -28, Page 25, lines 1 -10, Claims 9, 10, 11, 12, 13.)

Claim 17 End

Claim 18

Claim 18 (summary) Claim 14 and the second counter force from the bowling ball is distributed over the contact area made by the finger pad shield and the finger pad, substantially uniformly.

The specification and drawings support, and provide a written description and enablement and the best mode, for the invention recited in Claim 18, as follows.

Claim 18. The method of Claim 14, wherein said step f, of receiving said second force in said second direction from said finger hole of a bowling ball, against said second surface of said finger pad shield, and distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure over said contact area, produced by said second force, in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, includes the step j, of distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure over said contact area made between said bowler's finger pad

and said first surface of said finger pad shield, substantially uniformly.

(See the discussion of what one skilled in the art knew about the conventional method of releasing a bowling ball, as stated for Claim 14, page 6 above, and Page 5, lines 13 - 17, Page 8, lines 7 -15, Page 24, lines 13 -28, Page 25, lines 1 -10, Original Claims 9, 10, 11, 12, 13.)

Claim 18 End

Claim 19

Claim 19 (Summary) Claim 15 and distributing the second counter force from the bowling ball against the finger pad shield substantially within the area of contact made between the finger pad shield and the finger pad.

The specification and drawings support, and provide a written description and enablement and the best mode, for the invention recited in Claim 19, as follows.

Claim 19. The method of Claim 15, wherein, said step f, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure on said contact area made between said bowler's finger pad and said first surface of said finger pad shield, produced by said second force, in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield. includes the step k, of distributing said second force, in said second direction from said interior surface of

said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure substantially within said contact area made between said bowler's finger pad and said first surface of said finger pad shield.

(See the discussion of what one skilled in the art knew about the conventional method of releasing a bowling ball, as stated for Claim 14, page 6 above4, and Page 5, lines 13 -17, Page 8, lines 7 -15, Page 24, lines 13 -28, Page 25, lines 1 -10, Claims 9, 10, 11, 12, 13.)

Claim 19 End

Claim 20

Claim 20 (Summary) Claim 15 and the second counter force from the bowling ball against the finger pad shield is distributed substantially uniformly.

The specification and drawings support, and provide a written description and enablement and the best mode, for the invention recited in Claim 20, as follows.

Claim 20. The method of Claim 15, wherein said step f, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure on said contact area, produced by said second force, in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield. includes the step I, of distributing

said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure within said contact area made between said bowler's finger pad and said first surface of said finger pad shield, substantially uniformly.

(See the discussion of what one skilled in the art knew about the conventional method of releasing a bowling ball, as stated for Claim 14, page 6 above and Page 5, lines 13 - 17, Page 8, lines 7 -15, Page 24, lines 13 -28, Page 25, lines 1 -10, Claims 9, 10, 11, 12, 13.)

Claim 20 End

Claims 21- 30

Claims 21 - 30 are similar to claims 14 - 21 and 3 and 4, with the addition of the recitation in claims 21 and 22 that the finger pad shield is on the middle finger which is inserted into the bowling ball finger hole. Claims 21 -30 are supported in the specification and drawing as stated above with regard to Claims 14 -20 and 3 , with the following correspondence of Claims: 14 and 21; 15 and 22; 14 and 23; 15 and 24; 16 and 25; 4 and 26; 17 and 27; 18 and 28; 19 and 29; 20 and 30. The support for each claimed element in Claims 21-30 may be seen in the support for the parallel recitations in Claims 14 -30 and 3 and 4.

IV.

The specification and drawings supports the subject matter of the claims and enables any person skilled in the art to make and use the subject matter defined by each of the

rejected claims 3, 4 and 14 to 30 and states for the best mode of making and carrying out the invention.

A.

The skill in the art at the time the invention was made

What was known to the artisan or one skilled in the art, at the time the application was filed is as stated above in Section III., with reference to Claim 14 on page 10, above. The MPEP standard for determining if the specification and drawings support the claims is stated as,

The written description requirement is examined under the objective standard: does the written description clearly allow persons of ordinary skill in the art to recognize that the inventor invented what is claimed, and does the disclosure reasonably coveys to the one skilled in the art that the inventor had possession of the application is filed. Manual of Patent Examining Procedure, Rev 1, Feb 2000 (MPEP), Section 2163.02, page 2100-125.

The test for enablement is as stated in MPEP 2164.01, Page 2100-129,

Whether any one skilled in the art can make and use the invention without undue experimentation, and

A patent need not teach, and preferably omits, what is well known in the art.

B.

Examiner's Rejection Under 35 U.S.C. 112

Examiner's rejection, stated as a conclusion on pages 2 and 4, Paper No. 6. Examiners states the rejections is a new matter rejection for failure of the specification to discuss the steps in Claims 14 -30. Examiner's sole reason for that conclusion is,

the specification does not discuss a 'first force' and a "second force.(sic)

C.

Why The Examiner's Rejection Made Under 35 U.S.C. 112 First Paragraph,  
Should Be Reversed

Examiners' sole ground for the rejection is that "first force" or "second force" are not used in the specification. However, in stating the rejection, Examiner misrepresented the Claims and made a decision which was not made on substantial evidence, as required by the APA Standard, Page 6, above. See Dickenson v. Zurko 50 USPQ 2d 1930, 193, and requiring substantial evidence standard asks whether a reasonable mind might accept a particular evidentiary record as adequate to support a conclusion. Zurko, at1935. See In Re. Kotzab 217 F. 3d 1365 (Fed. Cir 2000) requiring the rejection be "based on particular findings." at 1370. See In Re. Gartside 203 F.3d 1305 (Fed. Cir. 2000) requiring that a rejection be based on substantial evidence meaning "...such relevant evidence as a reasonable mind might accept as adequate to support a conclusion..." at 1312;and that a Patent Office decision, "must explicate its factual conclusions enabling [the Court] to verify readily whether those conclusions are indeed supported by 'substantial evidence' ..." at 1314 Underlining added). In summary, Examiner's grounds of rejection are his bare conclusions, without the support of any facts in the record or support by substantial evidence. Measured by the standard of 35 U.S.C. 112, 1<sup>st</sup> Paragraph, Examiner's rejection has no merit.

Applicant has shown support in the specification and drawings for the Claims 14 -30 and 3 - 4. Examiner's ground for rejection, is for the sole given reason,

the specification does not discuss a "first force" and a "second force. (sic)

However, Examiner's rejection is arbitrary as the recited "first" force and "second" force, as used in the context of Claim 14 and Claim 21, would be understood and known by one skilled in the art because Applicant has shown, the "first force" and the "second force" is recited in the context of Claim 14 and 21, paragraphs d, as,

releasing said finger pad of a bowler and said finger pad shield from said finger hole of a bowling ball by applying a first force from said finger pad of a bowler in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball, to lift said bowling ball and producing a second force in a second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield;

The "first force" recited in the claims is recited as the force applied against the ball in releasing the ball and is used in the conventional manner known to one skilled in the art to lift the ball to rotate it down the alley and to give it spin. The "second force" recited in the claim is recited in term describing, in the conventional way as known to those skilled in the art, the counter force from the ball produced when the ball is released, as known to everyone as the equal and opposite force.

Examiner's rejection under 35 U.S.C. 112, 1<sup>st</sup> paragraph, was made to a recitation in Claim 14 and Claim 21 which described what would be known to one skilled in the art. See page 10 above for a discussion of what was known to those skilled in the art. That is a force is applied to the ball at release, from the finger pad, to lift the ball and that force produces a force from the ball against the finger pad. See Claim 14, page 13 above. And those forces well known to those skilled in the art, are recited by applicant

as "first" and "second," as Applicant has a right to do. As those "first" and "second" forces in the context of Claim 14 and 21, do recite and are understood as the bowler's force applied through the finger pad to release and lift the ball and the counter force produced by the ball, there is no need to restate or redescribe what is known to those skilled in the art and which forms part of the specification. Accordingly, there is no legal requirement to use "first" or "second" in the specification to describe the release and lift of the ball, and the associated forces, as recited in the Claims, as that would be known to one skilled in the art and would be part of the specification.

Applicant is required to particularly point out and distinctly claim the invention. Applicant may use any terms not contrary to their accepted meaning. MPEP 2173.01, Page 2100-145. Applicant has used "first" force, "first" direction, and "second" force, "second" direction, to particularly point out the method of using the finger pad shield to distribute the counter force from the bowling ball, recited in the claims, as produced when a force to the ball is applied from the finger pad in releasing the ball. The terms: "first" and "second", are used in the part of the claim which is well known to those skilled in the art, describing the method of releasing a bowling ball using a finger in the finger hole of a bowling ball to apply force to the ball to lift the ball. (See Claim 14, paragraphs b and d, for example) That method of "applying a first force," is well known to those skilled in the art of bowling, as is the "second" counter force produced by the interior wall of the bowling ball finger hole against the bowler's finger, as shown above. The physical fact of "action and reaction," is older than Newton's second law and is well known to everyone, including those skilled in the art of bowling. Applicant has used the terms "first" and "second" with "force" and "direction" to recite and particularly point out and distinctly claim what is known to those skilled in the art and part of the specification and drawings, that bowling is a game of applying a "first" force from the bowler's finger inserted in the ball finger hole and in a "first" direction to the ball to release and lift the ball, giving it spin and that a "second" force in a "second" direction is produced by the force of the bowling ball against the bowler's inserted finger.

The use of the terms "first force," "second force," "first direction," "second direction," is a part of the larger recitation in Claim 14, of the force applied from the bowler's finger to the ball and the counter force from the ball. Claim 14 would be supported by the specification, as shown above if the terms "first" and "second" were removed, demonstrating that the addition of cumulative terms to a specification supported claim cannot make the claim non-supported. See for example, Claim 14, with the terms "first" and "second" in brackets "[ ]" so the Claim 14 may be compared for compliance with 35 U.S.C. 112 second paragraph, with those terms "first" and "second" read in and out of the Claim.

Claim 14 (New). A method of using a finger pad shield placed in contact with the finger pad of a bowler's finger inserted into a finger hole of a bowling ball, to reduce the pressure on the finger pad when releasing said bowling ball from said bowler's finger and to improve a bowler's control over a direction or spin on a bowling ball, when lifting the bowling ball to impart spin and velocity, at release, comprising the steps of:

- a. placing a finger pad shield having a first surface, and a second surface opposed to said first surface, on a finger pad of a bowler, with said first surface in contact with said finger pad of a bowler and forming a contact area made between said finger pad of a bowler and said first surface of said finger pad shield;
- b. inserting said finger pad shield, in a finger hole of a bowling ball;
- c. said step b, of inserting said finger pad shield in said finger hole of a bowling ball, including the step of placing said second surface of said finger pad shield, in contact with an interior surface of said finger hole of a bowling ball;
- d. releasing said finger pad of a bowler and said finger pad shield from said finger hole of a bowling ball by applying a [ first ] force from said

finger pad of a bowler in a [ first ] direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball, to lift said bowling ball and producing a [ second ] force in a second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield;

e. said step d, of releasing said finger pad of a bowler and said finger pad shield from said finger hole of a bowling ball, includes the step of receiving said

[ second ] force in said [ second ] direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, through said finger pad shield to said first surface of said finger pad shield and over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield; and

f. said step e, of receiving said [ second ] force in said [ second ] direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, includes the step of distributing said [ second ] force, in said [ second ] direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield, for reducing a pressure over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield, produced by said [ second ] force, in a [ second ] direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield.

Examiner has quoted "first" force" and "second force" in his rejection and stated said

recitations were not supported in the specification, while ignoring their recited context and plain meaning, as known to those skilled in the art. As would be known to those skilled in the art, the "first" force is the force recited in paragraph d, as applied to the ball at release to lift the ball and the "second" force is the counter force from the ball against the bowler's finger produced by the "first" force in the "first" direction against the ball. When the substantial evidence, as presented above, is examined. It is clearly seen the use of "first force" and "first direction," and "second force" and "second direction," as recited in paragraph d, of Claim 14 and 21, are well known to those skilled in the art, from the conventional manner of releasing a bowling ball, are supported in the specification and by what was known to those skilled in the art about releasing a ball and the counter force produced by the ball against the bowler's finger pad. See Claim 14, page 6, above.

Examiner's rejection of the Claims 14 to 30 ignores the plain meaning of the claim, is not supported by any facts in the record, is a naked conclusion and does not meet the substantial evidence standard that asks whether a reasonable mind might accept a particular evidentiary record as adequate to support a conclusion. See APA Standard, Page 8, above.

Accordingly, Examiner's rejection of Claims 14 -30 and 3 and 4, under 35 U.S.C. 112, first Paragraph, should be vacated.

IX.

ARGUMENT NO. 2

Argument 2 (Reference Issue No.2) To Examiner's Rejection On The Ground The Drawings Do Not Show Every Feature Of The Invention Specified In Claims 14 - 30. As Required by 37 CFR 1.83(a).

Examine's position is the drawings show every feature of the invention specified in the claims.

Paper No. 6, page 3, Paragraph 5, line 19.

The Drawing Requirement Under Rule 1.83(a) Is Read Under the Authority of 35 U.S.C. 113 and With 35 U.S.C. 112

While Examiner does not state which part of 35 U.S.C. 113 or 35 U.S.C. 112, is the supporting statue for this Regulation, it appears it is part of Examiner's rejection under 35 U.S.C. 113, or 35 U.S.C. 112 first paragraph, in "that the specification fails to provide support for the claims..." See Paper No. 6, Paragraph 1.

35 U.S.C. 113 is not repeated but may be summarized requiring only that the drawing is to be provided only,

where necessary for the understanding of the subject matter sought to be patented.

When making a rejection under 35 U.S.C. 112, first paragraph,

the Examiner has the initial burden of presenting evidence or reasoning to explain why persons skilled in the art would not recognize in the

disclosure a description of the invention defined by the claims.

MPEP Section 2163.04, II., RESPONSE TO AMENDMENTS.

The requirement under 35 U.S.C. 113 of a drawing where necessary for the understanding of the subject matter sought to be patented, means for the understanding of one skilled in the art. When Rule 1.83(a) is read under its authorizing statute 35 U.S.C. 113, and in view of 35 U.S.C. 112, first paragraph, the requirement is,

where necessary for the understanding of one skilled in the art, of the subject matter sought to be patented

(Portion underlined added to 35 U.S.C. 113 first sentence)

Applicant has conclusively shown one skilled in the art would recognize the invention as claimed, in claims 14 -30 and in Claims 3 and 4, from the written description and the drawings and incorporates Argument No. 1 (see page 10) into the body of Argument No. 2, by reference, the same as if repeated in this Argument No. 2.

Examiner's Application of Rule 1.83(a) Leads To A Ridiculous

Result

Examiner has improperly applied Rule 1.83(a). The drawings, by themselves, may or may not show every feature of the claimed invention. It is the specification explaining the drawings that is used to "show every feature of the claimed invention." If Examiner were to require every feature of the claimed invention be shown in the drawings, then the specification describing the invention and the drawings would have to be in the drawings themselves, and there would be no written specification, a ridiculous result. The real meaning of Rule 1.83(a) is the application comprising the specification and drawings, show every feature of the claimed invention, to one skilled in the art, as

required by the written description requirement of 35 U.S.C. 113 and 35 U.S.C. 112, first paragraph.. Applicant has amply demonstrated compliance with that requirement, in Argument No. 1.

Applicant has complied with the literal requirement of 1.83(a), by Figures 1 to 8 and by Figure 9, in graphical form showing a flow chart for the claimed method.

Applicant has complied in full with Rule 1.83(a) by Figures 1-9 and the specification describing the claimed subject matter in conjunction with these Figures.

While Examiner has stated he,

require[s] that the drawing show every feature of the invention specified in the claims,

Examiner has not said what claimed and recited limitation are not shown in the drawings and has failed to meet the burden of proof under 35 U.S.C. 112, first paragraph, stated as,,

A) The Examiner has the burden of presenting evidence or reasons why persons skilled in the art would not recognize in applicants' disclosure, a description of the invention defined by the claims.

B) This inquiry into whether the description requirement is met must be determined on a case by case basis and is a question of fact.

Manual of Patent Examining Procedure, Rev 1, Feb 2000 (MPEP), Section 2163.04, page 2100-126.

Examiner has failed to meet that burden, has provided no facts to support the rejection

made in Paper No. 6, paragraph 2, and Examiner has committed a legal error under administrative law, by making an arbitrary decision, without a basis in fact and without the support of substantial evidence such that a reasonable mind would not accept the evidentiary record as factually adequate to support Examiner's conclusions. See APA Standard, Page 8, above.

## ARGUMENT NO. 3

Argument No. 3 (Reference Issue No.3) To Examiner's Rejection Of Claims 14-30 under 35 U.S.C. 102(b) By The Marinese Patent ("Marinese").

I.

### Introduction

Applicant's Claims 14 to 30 were finally rejected under on the grounds given as anticipated by Marinese for what Examiner has stated is shown in Marinese and on the principle of Inherency, for what Examiner has stated is inherent in Marinese..

Applicant's Amendment under Rule 111, filed 5/19/00, argued for the patentability of claims 14 -30 and 3 and 4 , against the same grounds of rejection based on alleged Inherency and incorporates, and makes those same arguments in this Argument No. 3, the same as if repeated here in the entirety. Applicant's Rule 111 Amendment, filed 5/19/00 and incorporated by reference, the Declarations of R.A. Addington and Dr. W. Robert Addington, DO. See Rule 111 Amendment, *Remarks*, Page 12, line 3-5. Those two Declarations are incorporated by reference in this Argument No.3, the same as if repeated here in their entirely.

II.

### Burden of Proof

A.

#### Rejections Under 35 U.S.C. 102

Anticipation under 35 U.S.C. 102(b) requires a single reference expressly or inherently

describe each and every element as set forth in the claim. The identical invention must be shown in as complete detail as is contained in the claim. Manual of Patent Examining Procedure, Rev. 1, Feb 2000 Section 2131, Anticipation - Application of 35 U.S.C. 102(a)(b)(c), page 2100-54.

B.

Rejections Based On Inherency

A showing of Inherency requires the Examiner provide a rationale or evidence tending to show Inherency. See MPEP R3, July 1997, SECTION 2112 Requirements of Rejection Based on Inherency; Burden of Proof, page 2100-47

In relying upon the theory of Inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). See MPEP, R3, July 1997, SECTION 2112 Requirements of Rejection Based on Inherency; Burden of Proof, page 2100-47

It is only when the prior art products are identical or substantially identical in structure or composition or are produced by identical or substantially identical processes, a *prima facie* case of anticipation is established. A *prima facie* case can be rebutted by evidence showing the prior art products do not necessarily possess the characteristic of the claimed product. See MPEP, R3, July 1997, SECTION 2112 Requirements of Rejection Based on Inherency; Burden of Proof, page 2100-47.

C.

Standard for Rejections Under the Administrative Procedure Act (APA)

Examiner is required to meet the APA requirement to make a factually based decision

bound up with a record based factual conclusion, which is supported by substantial evidence. See APA Standard, Page 8, above.

III..

Why Examiner Has Failed

To Show Marinese Anticipates The Invention Recited In Finally Rejected Claim 14-30  
And In Claims 3-4

A) Examiner's ground of rejection of Claims 14 -30, as anticipated, is limited to the following,

- 1) Marinese discloses a finger pad shield on a bowler's finger inserted into the bowling ball hole and that the finger pad shield (called an apparatus by Examiner), transmits the forces of the bowler's fingers to the ball to control its release and to lift the ball, "as called for in steps c-f" (of claims 14 and 21),
- 2) While Marinese does not specifically disclose "applying a first force," "producing a second force," or "how these forces interact with the finger pad and the bowling ball," it is inherent "the apparatus of Marinese and the instant invention are being used to transmit forces from bowler's hand to a bowling ball," and
- 3) Marinese, "transmits forces applied by the bowler's fingers....to control the release and the lift place (sic) on the ball as called for in steps c-f [of Claims 14 and 21]"

Paper No. 6, page 2-3, Paragraph 4..

B) Examiner's ground of rejection is limited to Examiner's naked conclusions, without any showing,

1) of any facts of Marinese meeting each of the recited steps a -f, in claims 14 or 21 or any of the other claims,

2) of any facts of Marinese providing a basis in fact and/or technical reasoning to reasonably support any determination each of the recited steps of the Claims 14 -30 and 3 -4, are disclosed by any allegedly inherent characteristics, which necessarily flows from the teachings of the Marinese.

C) Examiner has not shown where Marinese shows or how Marinese describes any of the recited steps in the Claims 14 -30 and 3 and 4. For example, Examiner has not shown how Marinese shows expressly or inherently,

use of the bowler's fingers to control release and lift,

as recited in Claims 14 and 21, paragraph d to f. Examiner's statement that Marinese uses the forces of the fingers "to control the release and lift place (sic) on the ball," is a conclusion without any reference to the facts of the disclosure of Marinese or any other facts.

D) Applicant has shown in the *Remarks* to the Rule 111 Amendment filed 5/19/00 (hereafter "Remarks") and by the Declarations of R.A. Addington and Dr. W. Robert Addington, DO, which are incorporated into the *Remarks* (see *Remarks*, page 12, lines 5-7) that the Marinese reference is inoperative "to control release and lift," as recited in Claim 14 and 21 (See *Remarks*, page 20, lines 15 25, pages 21 - 25 and page 26, lines 1 - 18) (See Declaration of R. A. Addington, paragraphs 4 -6, pages 2 - 16) (See Declaration of Dr. W. Robert Addington, paragraph 3 and 4)

Examiner has not rebutted the fact based argument made in the Rule 111 Amendment or in the incorporated Declarations.

E) Examiner's burden is to show by a fact based record, how each of the recited steps in Claims 14-30 and 3 - 4, are shown in Marinese. Examiner has failed to meet the Examiner's burden to provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly express or inherent characteristic necessarily flows from the teachings of Marinese, or that the process of Marinese is the substantially identical processes of the recited steps of claims 14 -30 and 3 and 4, and has not shown any facts in rebuttal of Applicant's facts based argument that Marinese is inoperative to lift the ball at release, as recited in the Claims.

Examiner has ignored the requirement to make a factually based decision bound up with a record based factual conclusion to determine if it is supported by substantial evidence. See APA Standard, Page 8, above. Examiner has ignored the recitations in the Claims 14 and 21, which are considerably more extensive than the claimed subject matter as considered by Examiner in his rejection based on 35 U.S.C. 102(b)

F) Applicant has shown in the *Remarks* to the Rule 111 Amendment filed 5/19/00 and the Declarations of R.A. Addington and Dr. W. Robert Addington, DO, that the disclosure of Marinese is limited to grasping the ball and cannot show, teach, disclose, or suggest, any of the steps in Claims 14-30 and 3 and 4, for example, "to control the release and the lift place (sic) on the ball," as concluded by Examiner in Paper No. 6, page 3, lines 1-2. See *Remarks*, Amendment Under Rule 111, Paragraphs 7 to Paragraph 8, and Declarations of Dr. W. Robert Addington and R.A. Addington, incorporated by reference into the *Remarks* of the Rule 111 Amendment, discussing the inoperativeness of Marinese to the practice of the claimed method. Examiner has failed to rebut these facts with any facts of his own

G) In Summary, Examiner's rejection under 35 U.S.C. 102(b) must be dismissed as deficient under law because,

- 1) it fails to address the recited steps of the method claims,
- 2) it fails to provide reasons why or how Marinese describes each and every step or meet each and every limitation, recited in the claimed method, and
- 3) it is limited to conclusions which cannot meet the Administrative Procedure Act Standard of a factually based decision supported by substantial evidence. See Page 8 above.

H) The only recited element which is known to those skilled in the art is the step or lifting the ball at its release, as, recited in Claims 14 and 21 , paragraph d, and in Argument No. 1, see Page 10 above, and the Declaration of Robert A. Addington, Paragraph 4. Examiner has not shown in Marinese, the disclosure of any other element recited in Claims 14 and 21 or in Claims 15 -20 and 22-30 and in 3 and 4, and each of those recited elements in Claims 14 -30 and 3 and 4, except for the lift of the ball at its release has not been shown in the prior art or disclosed or shown, explicitly or inherently by Marinese and are patentable.

IV,

Examiner's Comment In Regard To "A New Use For An Old Structure," Should Be Disregarded As Having No Basis Or Relevancy In Fact Or Law, And For Failure To Meet The APA Standard.

A) Examiner stated,

While the discovery of a new use for an old structure based on unknown properties of the structure might be patentable to the discoverer as a process of using.(sic) Such is not the case here since the apparatus of Marinese and the instant invention are being used to transmit forces from

bowlers hand to a bowling ball.

See Paper No. 6, Paragraph 4, page 3, lines 8-12.

B) The recitation of the Claims 14 and 21, paragraph d, recite the force is transmitted from the finger pad to the bowling ball.

C) Examiner's statement is nonsense, irrelevant and arbitrary. It is not directed to the Claim recitations and merely repeats what was well known in the art, that the bowler uses the force of the finger in the finger hole of the ball to lift the ball at release. As explained many times, lift means applying spin and rotation to the ball at release.

D) Examiner has not shown how the prior art disclosed any of the Claim recitation of the Claims 14-30 and 3 and 4. Examiner has ignored the requirement to make a factually based decision bound up with a record based factual conclusion to determine if it is supported by substantial evidence required by the APA Standard. See APA Standard, Page 8, above. Examiner has ignored the recitations in the Claims 14 and 21, which are not even considered or mentioned in this ground of rejection under 35 U.S.C. 102(b).

E. Examiner's rejection has failed the basics of a patent examination and should be vacated.

## ARGUMENT NO.4

Argument No. 4 (Ref: Issue No. 4) To Examiner's Rejection Of The  
The Declarations Under 37 CFR 1.132 Filed 5/19/00, As Insufficient To Overcome The  
Grounds Asserted By Examiner For Rejecting Claims 14 - 30 and 3 and 4.

I.

### Examiner's Statement of Rejection

Examiner, in Paper No. 6, Paragraph 6, page 4, stated the Declarations of inventors R.A. Addington and W. Robert Addington, DO,

are insufficient to overcome the rejection of Claims 14-30 because they refer only to the invention described in the above referenced applications and not to the individual claims of the application.

II.

### Rule 132 Declarations

Rule 132 Declarations traversing rejections are permitted when responsive to the rejection and present sufficient facts to overcome the rejection. Manual of Patent Examining Procedure, Rev. 1, Feb 2000, Section 716, page 700-142.

III.

### Declaration of Dr. W. Robert Addington, DO.

Dr. Addington's Declaration may be received under Rule 132, for what he says as a Board Certified Physician and expert in Musculoskeletal medicine, about the facts of disclosure of reference Marinese. In Summary, Dr. Addington has stated in his

Declaration, that the thumb and thumb device, of Marinese reference, cannot be used to apply lift to the ball, at release. Lift at release is described in the Declaration of R.A. Addington and is well known and understood to those skilled in the art, as described and shown in the 1984 Patent 4,371,163 of Shaffer, and as would be understood by those skilled in the art. See pages 13 and 14.

Dr. Addington's Declaration presents facts relevant to what is understood by one skilled in the art by the release and lift of the ball, in Paragraph 4 of his Declaration, as recited in Claims 14, and 21, paragraphs d, reciting,

"applying a first force from the finger pad of the bowler . . . against the interior surface of said finger hole of a bowling ball to lift said bowling ball..."

Dr. Addington's Declaration is squarely within the permitted bounds of Rule 132 as it is directed to medical facts presented by a Board Certified Physician and an expert in muscular skeletal medicine, showing the inability of Marinese to "lift" the bowling ball, at "release." Dr. Addington's Declaration uses "lift" and "release," in the same way as used in the filed application, in paragraph d, of Claims 14 and 21, and as used in Patent 4,371,163, Shaffer, and is based on the way one skilled in the art of bowling applied lift at the release of the ball, at the time the application was filed. Dr. Addington's Declaration refers to the Declaration of R.A. Addington, which in turn refers to 4,371,163, Shaffer, and the skill in the art at the time the application was filed.

Lift is a term well known to those skilled in the art and well supported in the specification. See Specification, page 5, and in particular lines 4 - 8. See the Rule 111 Amendment, filed 5/19/00, pages 14, line 21 - 25, page 15, page 16, lines 1-12 and in particular the discussion of Patent 4, 371,163, and the Declaration of R.A. Addington, page 2, paragraph 4, incorporated by reference in the *Remarks* of Applicant's attorney,

see Rule 111 Amendment, filed 5/19/00, page 12, lines 5 -7, and made the statement of Applicant's attorney by incorporation.

Dr. W. Robert Addington's Declaration is directed to the conclusions of Examiner as to what is disclosed by the Marinese reference and how it operates with relevance to the recited term "lift" as used in Claims 14 and 21. Dr. Addington states facts directly contrary to Examiner's conclusions and traversing Examiner's rejection based on Inherency and is admissible for what it states by traversing what Examiner says Marinese discloses or what Examiner says about the Claims and disclosure of Marinese as applied to claims 14-30 and 3 and 4..

Examiner's statement the Declaration refers to cancelled claims or the Declarations refer only to the invention described and not to the claims or there is no showing of objective evidence of nonobviousness, is nonsense and irrelevant to any lawful refusal to consider Dr. W. Robert Addington's Declaration.

III.

Declaration of R.A. Addington.

The Declaration of R. A. Addington Declaration may be received under Rule 132, for his facts relevant to,

1) the meaning of "lift" and "release" as used in his application disclosure and as disclosed and used in Patent 4,371,163, of Shaffer and would be used and understood by those skilled in the art of bowling. as what one skilled in the art of bowling would understand about the method to lift a bowling ball at its release. (see Declaration, Paragraph 4),

2) the term "lift" as meaning to one skilled in the art of bowling, the use of the

middle fingers inserted into the ball to give it a desired spin., at the moment of release and without the use of the thumb (see Declaration, Paragraph 4 and Patent 4,371,163).

3) "lift" as used in his application to have the meaning as would be known to those skilled in the art: use of a middle finger to rotate the bowling ball at release (see Declaration, Paragraph 4 and Patent 4,371,163).

4) the inoperativeness of the Marinese reference to show teach or describe how, as Marinese state to "hook" the ball by using the thumb (see Declaration, Paragraphs 5 and 6, made with application to the inventive method recited in Claim 14 to 30. See Declaration, Paragraphs 5 and 6 and in particular, Paragraph 6G, 6I, 6N, and 6O, referring to Claims 14 -30 and traversing the grounds of rejection based upon the Marinese reference.)

The Declaration of R.A. Addington, page 2, paragraph 4, incorporated by reference in the *Remarks* of Applicant's attorney, see Rule 111 Amendment, filed 5/19/00, page 12, lines 5 -7, are made the statement of Applicant's attorney.

#### IV.

##### Summary

Examiner's statements are incorrect, not based on the substantial evidence and are naked conclusions without facts, are irrelevant to the admissibility of a Declaration under Rule 132, and are nonsense.

As stated above, Declarations may be submitted to traverse the grounds of rejection. The Declarations may present facts relevant to any part of the rejection, including the operation or inability of the reference to operate as stated by Examiner.

It is not a requirement for the Declaration to speak specifically of the claims. Any facts traversing the grounds of rejection may be made in support of the claims. Factual statements in the Declarations made traversing what Examiner states Marinese shows or discloses, are within Rule 132.

Contrary to Examiner's statement, made in paragraph 6, the Declaration of R.A. Addington, does refer to the Claims 14 -30 and 3 and 4, with Claims 14 -30 under final rejection.

There is no relevance to Examiner's statement in Paragraph 6, made about obviousness.

Accordingly, the Declarations Under 37 CFR 1.132 Filed 5/19/00, are sufficient and admissible under Rule 132. Examiner is obligated to respond to the facts stated in these Declarations and Examiner's response is required to meet the APA requirement to make a factually based decision bound up with a record based factual conclusion, which is supported by substantial evidence. See APA Standard, Page 8, above.

END OF PART VIII.

PART IX, CONTAINING THE CLAIMS 14 -30, FINALLY REJECTED AND CLAIMS 3 AND 4, ARE IN PART IX. APPENDIX

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IX.

APPENDIX

PENDING CLAIMS 14-30 AND 3 AND 4

Claim 14. A method of using a finger pad shield placed in contact with the finger pad of a bowler's finger inserted into a finger hole of a bowling ball, to reduce the pressure on the finger pad when releasing said bowling ball from said bowler's finger and to improve a bowler's control over a direction or spin on a bowling ball, when lifting the bowling ball to impart spin and velocity, at release, comprising the steps of:

- a. placing a finger pad shield having a first surface, and a second surface opposed to said first surface, on a finger pad of a bowler, with said first surface in contact with said finger pad of a bowler and forming a contact area made between said finger pad of a bowler and said first surface of said finger pad shield;
- b. inserting said finger pad shield, in a finger hole of a bowling ball;
- c. said step b, of inserting said finger pad shield in said finger hole of a bowling ball, including the step of placing said second surface of said finger pad shield, in contact with an interior surface of said finger hole of a bowling ball;
- d. releasing said finger pad of a bowler and said finger pad shield from said finger hole of a bowling ball by applying a first force from said finger pad of a bowler in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball, to lift said bowling ball and producing a second force in a second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield;

e. said step d, of releasing said finger pad of a bowler and said finger pad shield from said finger hole of a bowling ball, includes the step of receiving said second force in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, through said finger pad shield to said first surface of said finger pad shield and over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield; and

f. said step e, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, includes the step of distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield, for reducing a pressure over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield, produced by said second force, in a second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield.

Claim 15. The method of claim 14, wherein, said step d, of releasing said finger pad of a bowler and said finger pad shield from said finger hole of a bowling ball by applying a first force from said finger pad of a bowler in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball to, to lift said bowling ball, includes the step g, of applying a maximum natural force a bowler is capable of producing from said finger pad of a bowler, in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball, and producing said second force in said second direction, from said

interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and wherein said finger pad shield is rigid for distributing said second force in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield.

Claim 3 (Amended) The method of claim 14, including the steps of: supporting said finger pad finger pad shield with a support made of a rigidly deflectable material which holds said finger pad shield in a stable position relative to said support ; and transferring the force of the bowling ball from said finger pad shield to said support to producing a counter force in said support for restoring said support to said stable position.

Claim 16 The method of claim 14, wherein said step f, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure on said contact area, includes the step h, of distributing said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield over the widest area of said contact area for preventing pressure spots within said bowler's finger pad.

*see a4*

*14*  
Claim 4 (Amended). The method of claim 1, including the step of controlling the depth of insertion of said finger pad shield in said finger hole of a bowling ball by engaging a raised surface connected to said finger pad shield and extending away from said finger pad shield, with the surface of said bowling ball to limit the depth of insertion of said

finger pad shield into said bowling ball] finger hole of a bowling ball..

Claim 17. The method of Claim 14, wherein said step f, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, produced by said second force, in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, includes the step i, of distributing said second force, in said second direction from said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure substantially within said contact area made between said bowler's finger pad and said first surface of said finger pad shield.

Claim 18. The method of Claim 14, wherein said step f, of receiving said second force in said second direction from said finger hole of a bowling ball, against said second surface of said finger pad shield, and distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure over said contact area, produced by said second force, in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, includes the step j, of distributing said second

force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, substantially uniformly.

Claim 19. The method of Claim 15, wherein, said step f, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure on said contact area made between said bowler's finger pad and said first surface of said finger pad shield, produced by said second force, in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield. includes the step k, of distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure substantially within said contact area made between said bowler's finger pad and said first surface of said finger pad shield.

Claim 20 The method of Claim 15, wherein said step f, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure on said contact area, produced by said second force, in said

second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield. includes the step I, of distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure within said contact area made between said bowler's finger pad and said first surface of said finger pad shield, substantially uniformly..

Claim 21. A method of using a finger pad shield placed in contact with the finger pad of a bowler's middle finger inserted into a finger hole of a bowling ball, to reduce the pressure on the finger pad when releasing said bowling ball from said bowler's finger and to improve a bowler's control over a direction or spin on a bowling ball, when lifting the bowling ball to impart spin and velocity, at release, comprising the steps of:

- a. placing a finger pad shield having a first surface, and a second surface opposed to said first surface, on a finger pad of a middle finger of a bowler and forming a contact area made between said finger pad of a middle finger of a bowler and said first surface of said finger pad shield;
- b. inserting said finger pad shield, in a finger hole of a bowling ball;
- c. said step b, of inserting said finger pad shield in said finger hole of a bowling ball , including the step of placing said second surface of said finger pad shield, in contact with an interior surface of said finger hole of a bowling ball;
- d. releasing said finger pad shield from said finger hole of a bowling ball by applying a first force from said finger pad of a middle finger of a bowler, in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second

surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball, to lift said bowling ball, and producing a second force in a second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield; and

e. said step d, of releasing said finger pad shield from said finger hole of a bowling ball, includes the step of receiving said second force in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield and through said finger pad shield to said first surface of said finger pad shield and over said contact area made between said finger pad of a middle finger of a bowler and said first surface of said finger pad shield; and

f. said step e, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, includes the step of distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said finger pad of a middle finger of a bowler and said first surface of said finger pad shield, for reducing a pressure over said contact area made between said finger pad of a middle finger of a bowler and said first surface of said finger pad shield, produced by said second force, in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield.

Claim 22. The method of claim 21, wherein, said step d, of releasing said finger pad shield from said finger hole of a bowling ball by applying a first force from said finger pad of a middle finger of a bowler, in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball to, to lift said

bowling ball, includes the step h. of applying a maximum natural force a bowler is capable of producing from said finger pad of a middle finger of a bowler, in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball, and producing said second force in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and wherein said finger pad shield is rigid for distributing said second force in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said finger pad of a middle finger of a bowler and said first surface of said finger pad shield.

Claim 23. A method of using a finger pad shield placed in contact with the finger pad of a bowler's finger inserted into a finger hole of a bowling ball, to reduce the pressure on the finger pad when releasing said bowling ball from said bowler's finger and to improve a bowler's control over a direction or spin on a bowling ball, when lifting the bowling ball to impart spin and velocity, at release, comprising the steps of:

- a. placing a finger pad shield over a finger pad of a bowler, and forming a contact area;
- b. placing said finger pad shield in contact with an interior wall of a finger hole of a bowling ball;
- c. releasing said finger pad from said finger hole by applying a first force against said interior surface to lift said bowling ball and impart forward velocity to said bowling ball, and producing a second force from said interior surface against said finger pad shield;
- d. said step c, of releasing, includes the step of receiving said second force over said

contact area and distributing said second force over said contact area.

Claim 24. The method of claim 23, wherein, said step c, of releasing, includes the step e, of applying a maximum natural force a bowler is capable of producing from said finger pad of a bowler, in a first direction against said interior surface to lift said bowling ball, and producing said second force, and wherein said finger pad shield is rigid for distributing said second force over said contact area..

Claim 25. The method of claim 23, wherein said step d, of receiving and distributing said second force over said contact area, includes the step f, of distributing said second force, over the widest area of said contact area for preventing pressure spots within said bowler's finger pad.

Claim 26 .The method of claim 23, including the step g, of controlling the depth of insertion of said finger pad shield in said finger hole of a bowling ball by engaging a raised surface connected to said finger pad shield and extending away from said finger pad shield, with the surface of said bowling ball to limit the depth of insertion of said finger pad shield into said finger hole of a bowling ball..

Claim 27. The method of Claim 23, wherein said step d, of receiving and distributing said second force over said contact area, includes the step h, of distributing said second force over said contact area for reducing said pressure substantially within said contact area.

Claim 28. The method of Claim 23, wherein said step d, of receiving and distributing